

UNITED STATES DISTRICT COURT FILEDSOUTHERN

DISTRICT OF

CALIFORNIA 07 NOV 27 PM 3:28

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**STORAGE LOCKER #3054 LOCATED AT
PRICE SELF STORAGE
533 STEVENS AVENUE WEST
SOLANA BEACH, CALIFORNIA**

BY:

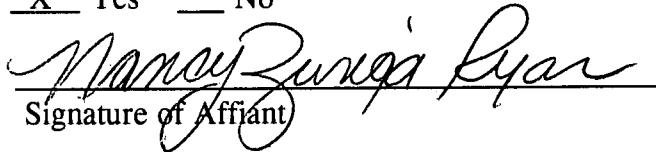
DEPUTY

**UNSEALED AS OF 12/20/07
ORDERED SEIZED APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT****CASE NUMBER: 07 MJ 2757**I, Nancy Zuniga Ryan, being duly sworn depose and say:I am a(n) Narcotics Task Force Officer/Drug Enforcement Administration and have reason to believe thaton the person of or XX on the property or premises known as (name, description and/or location).**STORAGE LOCKER #3054 LOCATED AT
PRICE SELF STORAGE
533 STEVENS AVENUE WEST
SOLANA BEACH, CALIFORNIA**in the SOUTHERN District of CALIFORNIA
there is now concealed a certain person or property, namely (describe the person or property)**SEE ATTACHMENT B**

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

Evidence of the commission of a criminal offense concerning violations of Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Section 1956.

The facts to support a finding of Probable Cause are as follows:

See Attached Affidavit.Continued on the attached sheet and made a part thereof. Yes No
Signature of Affiant

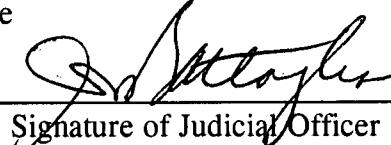
Sworn to before me, and subscribed in my presence

NOV 27 2007 at San Diego, California

Date City and State

**ANTHONY J. BATTAGLIA
U.S. MAGISTRATE JUDGE**

Name and Title of Judicial Officer


Signature of Judicial Officer

1 AFFIDAVIT IN SUPPORT OF APPLICATION OR SEARCH WARRANT

2 I, Nancy Zuniga Ryan, being duly sworn, declare and state:

3 I

4 BACKGROUND AND EXPERIENCE

5 1. I am employed as a Deputy Sheriff for the San Diego County Sheriff's Department. I
6 have been a Deputy Sheriff for the past 29 years. I have been assigned to the Sheriff's Street Narcotic
7 Unit and the Drug Enforcement Administration Narcotic Task Force for the past 22 years.

8 2. As a Task Force Officer of the Narcotic Task Force, I have participated in all types of narcotic
9 investigations ranging from "street level" dealers to major dealers who deal in pound quantities of
10 controlled substances and who derive substantial wealth from their narcotic dealings. From my
11 experience, drug traffickers amass large proceeds from drug trafficking and attempt to legitimize drug
12 proceeds by investing in legitimate businesses. Further, drug traffickers attempt to filter illegal profits
13 through banking systems in a manner designed to disguise the original source of their illegal profits.

14 3. I am familiar with the investigation of illegal drug trafficking organizations on or near the
15 United States/Mexico border operating between the Republic of Mexico and the United States. In the
16 past, I have been involved in the investigations where assets were seized from drug traffickers pursuant
17 to Title 21, United States Code, Section 881.

18 4. In preparing this affidavit, I have conferred with other special agents and law enforcement
19 officers who have experience conducting investigations regarding the cultivation of marijuana. In
20 particular, I have conferred with Special Agent of the United States Department of Justice, Drug
21 Enforcement Administration (DEA) John Gieson. Agent Gieson completed a 17-week Basic Agent's
22 School at the FBI Academy in Quantico, Virginia, which included training in the manufacture,
23 cultivation, distribution, and abuse of all types of controlled substances. In April 2000, Agent Gieson
24 completed the 2-week Clandestine Laboratory Investigation Course at the FBI Academy in Quantico,
25 Virginia, which was conducted by DEA and has received more than 100 hours of instruction in
26 conducting indoor/outdoor cannabis investigations. Currently, Agent Gieson serves as DEA's San
27 Diego Division, Domestic Cannabis Eradication/Suppression Program Coordinator and is responsible
28 for coordinating the marijuana eradication efforts in San Diego and Imperial Counties. Agent Gieson
has personally assisted in the eradication of more than 300,000 marijuana plants and has performed the

1 following duties: (1) acted as case agent organizing drug investigations; and (2) debriefed numerous
2 informants and defendants regarding marijuana cultivation and distribution.

III

LOCATIONS TO BE SEARCHED

5 5. This affidavit is submitted solely for the purpose of establishing probable cause to scan
6 each premises located at (1) 337 Morgan Place, Vista, California (hereinafter "**377 Morgan Place**"),
7 including all attached and unattached rooms, attics, basements, garages (including vehicles parked
8 therein), storage areas, safes, briefcases, containers, trash areas within the residence, surrounding
9 grounds and outbuildings assigned to or part of to this location (further described in Attachment A); and
10 (2) storage locker #3054 at the Price Self Storage located at 533 Stevens Avenue West, Solana Beach,
11 California (hereinafter "**Storage Locker #3054**").

12 6. This affidavit does not contain all of the information known to law enforcement regarding
13 this investigation, but rather contains only those facts believed to be necessary to establish probable
14 cause that evidence of marijuana cultivation will be found at the above premises.

15 7. I submit that the facts contained in this affidavit demonstrate that there is probable cause
16 to believe that evidence of violation of Title 21, United States Code, Sections 841(a)(1) and/or 846
17 (manufacture of a controlled substance, to wit, marijuana and marijuana plants and conspiracy to
18 manufacture marijuana and marijuana plants) and Title 18, United States Code, Section 1956 (money
19 laundering), including items listed in Attachment B, will be found at (1) **337 Morgan Place** and (2)
20 **Storage Locker #3054.**

III

FACTS ESTABLISHING PROBABLE CAUSE

EXECUTION OF SEARCH WARRANTS

24 8. On November 26, 2007, federal search warrants were executed at the following locations
25 in San Diego County: (1) 1621 Montgomery Drive, Vista, California (hereinafter "**1621 Montgomery**
26 **Drive**"); (2) 3220 Gopher Canyon Road, Vista, California (hereinafter "**3220 Gopher Canyon Road**").
27 The application for the search warrants, the search warrants, and the affidavit supporting these warrants,

1 are attached and marked as Exhibit 1 to this Affidavit. Exhibit 1 is fully incorporated by reference in
2 this Affidavit.

3 (A) At **1621 Montgomery Drive**, federal agents found 40 marijuana plants growing
4 inside the residence. There was minimal amount of furniture inside the residence; the agents observe
5 no food inside the refrigerator and found minimal amount of dishes/glassware inside the kitchen area
6 of said residence. It appeared to the agents present at the search warrant that no one was residing at the
7 residence (**1621 Montgomery Drive**) and that the residence was used solely to cultivate marijuana.
8 Agents followed Michael Druker, who resides at **3220 Gopher Canyon Road** to **1621 Montgomery**
9 **Drive**, where they arrested him

10 (B) At **3220 Gopher Canyon Road**, federal agents found approximately 23
11 marijuana plants and approximately 36 marijuana clones. Agents also found evidence to show that
12 Michael Druker resides at **3220 Gopher Canyon Road**.

13 9. Seth Venskus currently resides at **337 Morgan Place** and is also the current renter of **Storage**
14 **Locker #3054**. Seth Venskus was arrested by the agents near **1621 Montgomery Drive**. According
15 to the agents, Seth Venskus was driving his vehicle in the vicinity of **1621 Montgomery Drive**.

16 **BACKGROUND OF INVESTIGATION**^{1/}

17 10. In June 2007, Agent Gieson interviewed a Source of Information (SOI) who related that
18 an individual named Seth Venskus was known to grow marijuana indoors. The SOI believed that
19 Venskus lived in San Marcos, but had heard through mutual acquaintances that the indoor grow house
20 was possibly in the Mira Mesa or Claremont areas of San Diego. The SOI was not aware of where
21 Venskus currently resided and did not know the specific location of where Venskus grew and
22 manufactured marijuana.

23 11. San Diego Gas & Electric (hereinafter "SDG&E") which show that Seth Venskus is the
24 current utility subscriber at **1621 Montgomery Place**, where 40 marijuana plants were found, and has
25 been the utility subscriber since April 1, 2007. Agents also learned that the electrical usage history, in
26 kilowatt-hours per month, at **1621 Montgomery Drive**, showed high energy use (when compared to

27 ^{1/} Your affiant incorporates by reference Exhibit 1 and need not repeat all of the facts contained
28 herein.

1 nearby similar residences) that is consistent with the amount of electricity required to operate the
2 equipment commonly used for indoor marijuana cultivation, namely, but not limited to, high wattage
3 lights, circulation fans, exhaust blowers, and pump systems, according to Agent Gieson.

4 12. Agent Gieson also used a magnetic Global Positioning System (GPS) vehicle tracker on
5 Venskus' truck (1999 Ford F-250) which showed that Venskus' truck parked in the area of **337 Morgan**
6 **Place**. The GPS tracker on Venskus' truck shows that Venskus likely resides at **337 Morgan Place**
7 because the truck parks in the area of that location. In addition, Venskus' truck frequently travels to the
8 area of **1621 Montgomery Drive**, where 40 marijuana plants were found. When conducting physical
9 surveillance in conjunction with the GPS tracker Agent Gieson and other agents have observed Venskus
10 driving his truck. Venckus' truck also parked in the are of **3220 Gopher Canyon Road**, where
11 marijuana plants were found during the execution of the search warrant. Agent Gieson believes that
12 Venskus travelled to these locations -- **1621 Montgomery Drive** and **3220 Gopher Canyon Road**
13 properties, because in his training and experience, indoor marijuana cultivation operations require
14 regular maintenance to ensure that the marijuana plants are growing healthy and that the equipment
15 (such as lights, fans, irrigation systems, etc.) is operating properly. Some marijuana grows require daily
16 maintenance, while other grows require maintenance 2-3 times each week. If a malfunction occurred
17 with any equipment and the problem was not rectified immediately, it would effect the growth of the
18 marijuana plants resulting in the ultimate loss of product and therefore decreasing the profitability.

19 13. Based on my training and experience, it is common for persons who operate clandestine
20 indoor marijuana cultivation operations to reside in a separate residence while maintaining the
21 cultivation operations at other locations. This is done to minimize their involvement in the cultivation
22 operations and insulate themselves if law enforcement discovers the cultivation operation location.

23 14. On October 12, 2007, at approximately 11:05 a.m., the GPS tracker indicated Venskus'
24 truck arrived in the area of HydroBrew located at 1319 S. Coast Highway 101, Oceanside, California.
25 HydroBrew has been identified by the DEA as supplying equipment used for the cultivation of
26 marijuana. At 11:10 a.m., a DEA Task Force Agent (TFO) observed Venskus exit HydroBrew carrying
27 a bag of grow rocks and place it in the bed of the pick-up truck, reenter the store, and exit again with
28 an additional bag of grow rocks and a brown paper bag. Venskus placed the second bag of grow rocks

1 into the bed of the pick-up truck and the brown paper bag into the cab of the truck. Grow rocks are a
2 growing medium used in lieu of dirt commonly used in the cultivation of marijuana. Venskus was
3 subsequently followed by agents directly to **1621 Montgomery Drive.**

4 15. On October 30, 2007, at approximately 11:19 a.m., Agent Gieson observed Venskus and
5 another individual, Michael Druker, depart from **1621 Montgomery Drive** in Venskus' Jeep Cherokee.
6 . They were followed directly to HydroBrew, both entering the store. Michael Druker exited carrying
7 a box and Venskus exited carrying two brown bags. They were then followed directly back to **1621**
8 **Montgomery Drive**

9 16. In reviewing the subpoenaed records obtained from SDG&E regarding 1621
10 **Montgomery Drive**, Agent Gieson noticed the prior utility subscriber to Venskus was Michael Druker
11 from October 5, 2005 to April 25, 2007. According to Agent Gieson, the SOI further related that she/he
12 had purchased marijuana from Michael Druker on many occasions but estimated the last purchase was
13 at least a year and a half ago. During this time frame, Michael Druker told the SOI that he was
14 purchasing indoor grown marijuana from Venskus. Agent Gielson obtained further subpoenaed records
15 from SDG&E, which revealed that Michael Druker is the current utility subscriber at **3220 Gopher**
16 **Canyon Road**, since November 17, 2006 to the present.

FINANCIAL/EMPLOYMENT BACKGROUND

18 17. Subpoenaed records from the California Employment Development Department (EDD)
19 show that Seth Venskus had no wages reported by an employer from the 1st quarter of 2003 to the 1st
20 quarter of 2007. Venskus has not filed for unemployment or disability during this time frame. No other
21 sources of income, except for marijuana cultivation, have been uncovered during the investigation of
22 Venskus.

STORAGE LOCKER INVESTIGATION

24 18. Based on storage records, Venskus originally rented storage space #3056, a 5' x 10'
25 unit, on December 12, 2004. On February 7, 2005, Venskus switched to a smaller unit #3054, a 5' x 5'
26 unit. Records obtained from Price Self Storage show that Venskus has always paid monthly by cash,
27 currently paying \$79 per month. (Storage locker #3054 at the Price Self Storage located at 533 Stevens
28 Avenue West, Solana Beach, California).

1 19 Venskus has access to two separate residences, 337 Morgan Place and 1621
2 **Montgomery Drive.** In my view, the small size of the storage unit, 5' x 5', leads me to believe
3 anything stored in that small of a space could easily be stored in one of the two residences. Based on
4 my training and experience and the experience of Agent Gieson, I believe Venskus uses the storage unit
5 to store his drug proceeds from his sale of marijuana. Large sums of monies are routinely stored at these
6 facilities because the use of banks makes the monies easily seizable to law enforcement officials. The
7 use of these storage facilities is convenient as they can control access to the property and avoid
8 questions from others who live with them or visit them at their residences. Furthermore, my training
9 and experience, combined with Agent Gieson's experience, indicates persons in control of storage units
10 leave evidence of their identification in documents or other items inside the storage unit. They also use
11 these storage facilities to insulate themselves and their residences from handling the narcotics and/or
12 proceeds in the event they are robbed by other drug dealers or contacted by law enforcement.

13 20. I know from prior and recent investigations of Agent Gieson, that managers of marijuana
14 grow operations make substantial profits from their marijuana grows. In one recent prosecution, a
15 manager of a large marijuana grow operation operated "fictitious" businesses that were designed and
16 set up to launder his substantial drug proceeds. These businesses were set up in order to legitimize drug
17 proceeds and allow the marijuana grower purchase property or obtain loans. In another prosecution,
18 a manager of a large marijuana grow operation placed his multiple properties in the names of
19 "fictitious" businesses to conceal his assets from the marijuana grows.

TRAINING AND EXPERIENCE

21 21. Based on my training and experience, and the experience of Agent Gieson, I know that
22 persons who are involved in the cultivation of marijuana become involved in the process over an
23 extended period of time because the indoor cultivation and distribution of marijuana is an ongoing
24 process.

25 22. In my experience, and the experience of Agent Gieson, documents and business records
26 are frequently maintained by those engaged in the "business" of manufacturing and selling controlled
27 substances. Also, those who engaged in manufacturing of marijuana will frequently maintain writings,
28 books, business ledgers, lists, notations, and other memoranda to assist them in their criminal

1 enterprises. These materials are created and maintained in much the same way and for the same reasons
2 as persons involved in legitimate business keep similar materials. These documents and business records
3 are frequently kept at the residence that they actually live in. This is done to protect their discovery and
4 seizure by law enforcement if the location being used to cultivate marijuana is raided by law
5 enforcement.

6 23. I believe that there will be evidence of money laundering related to the proceeds of
7 their drug trafficking activities (manufacturing of marijuana plants), in violation of Title 18, United
8 States Code, Section 1956. Based on Agent Gieson's prior experience in recent investigations,
9 managers of marijuana grow operations make substantial profits from their marijuana grows. In one
10 recent prosecution, where the manager operated two marijuana grow locations but resided at another
11 location, that manager admitted to making at least \$80,000 per month in proceeds from manufacturing
12 marijuana plants.

BASIS FOR EVIDENCE SOUGHT IN SEARCH WARRANT

14 24. Based upon my experience and training, consultation with other law enforcement officers
15 experienced in drug and financial investigations, and all the facts and opinions set forth in this affidavit,
16 I know that:

17 a. Individuals involved in growing/dealing marijuana will often maintain at their
18 residence and other buildings and/or vehicles on their residential property, laboratory equipment,
19 chemicals used to manufacture controlled substances, quantities of controlled substances, as well as
20 paraphernalia for packaging, weighing, cutting, testing, distributing, and identifying controlled
21 substances.

22 b. Individuals involved in drug dealing and drug manufacturing often maintain at
23 their residence, and other buildings and/or vehicles on their property, records and ledgers evidencing
24 their trafficking activities in order to keep track of the manufacturing, ordering, purchasing, storage,
25 distribution and transportation of chemical, laboratory equipment and/or drugs. At times, the drugs may
26 be sold, but documentary records and ledgers often remain for long periods of time to memorialize past
27 transactions, the status of accounts receivable and accounts payable, and the names and telephone
28 numbers of suppliers, customers and co-conspirators

1 c. Individuals involved in drug dealing and drug manufacturing must often rely on
2 others to obtain the drugs and to help them market the drug and evidence of the identities of these
3 criminal associates is often maintained at their residence, and other buildings and/or vehicles on their
4 residential property.

5 d. Based on prior searches of premises used by individuals involved in drug dealing
6 and drug manufacturing, I believe I will find articles of personal property evidencing the identity of
7 persons occupying, possessing, residing in, owning, frequenting or controlling the premises or property
8 therein.

9 e. Individuals involved in drug dealing and drug manufacturing will often conceal
10 evidence of their drug dealing in vehicles outside their residence in order to prevent detection and
11 seizure by officers conducting scan warrants at the residence. Therefore, I am requesting permission
12 to search any vehicle parked at or near the above-described location provided it can be connected to an
13 occupant of the premises by way of admissions, keys, photographs, Department of Motor Vehicles
14 documents, insurance papers, or repair receipts.

15 f. Individuals involved in drug dealing and drug manufacturing, earn sums of money
16 and often try to legitimize these profits. In order to do this they attempt to secret, transfer and conceal
17 the money by, among other ways: (1) placing assets in names other than their own to avoid detection
18 while maintaining control; (2) laundering the money through what appears to be a legitimate business
19 or businesses; (3) hiding money in their homes, business locations, safes and safety deposit boxes; or
20 (4) using the money to buy assets which are hard to trace. Records of these transactions are often found
21 at their residence, and other buildings and/or vehicles on their residential property.

22 g. Individuals involved in drug dealing or drug manufacturing will often maintain
23 weapons, firearms and ammunition on their person or at their residence and cars in order to protect
24 themselves and guard their drugs and drug profits, and for enforcement purposes during their drug
25 dealings. These weapons and firearms are used and can be used as an instrumentality of the crime of
26 possession and distribution of drugs. Therefore, I am requesting permission to seize weapons, firearms
27 and ammunition that may be found at the above-described target location.

28

1 25. It is also my opinion and belief that the above-described documents are currently
2 possessed by drug dealers/manufacturers much the same way a legitimate business will maintain records
3 and tools of its trade whether or not the business has a particular item in inventory on a given date.
4 These documents are kept by drug dealers/manufacturers whether or not the dealer/manufacturer is in
5 possession of any drugs/chemicals at any given moment. I believe that the seizure of such documents
6 will provide evidence of the events set forth in this affidavit and that such documents can be found at
7 the target location despite any lapse of the time between the events described and the anticipated scan
8 pursuant to this warrant.

9 26. Based upon the foregoing facts, the affiant has reason to believe that the items identified
10 in Attachment B are located at: (1) **377 Morgan Place** and (2) storage locker #3054 at the Price Self
11 Storage located at 533 Stevens Avenue West, Solana Beach, California (hereinafter "**Storage Locker**
12 **#3054**").

13 27. Because this is an ongoing investigation, I request that the affidavit remain sealed under
14 further order of the Court.

Nancy Zuniga Ryan
NANCY ZUMIGARYAN
TASK FORCE OFFICER
Drug Enforcement Administration

18 Subscribed and sworn to before me this 27th day of November, 2007.

UNITED STATES MAGISTRATE JUDGE

Exhibit 1

COPY

UNITED STATES DISTRICT COURT

ORDERED SEALED BY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of
(Name, address or brief description of person or property to be searched)

1621 MONTGOMERY DRIVE
VISTA, CALIFORNIA

SEARCH WARRANT

CASE NUMBER: 07 MJ 2743

TO: DEA SPECIAL AGENT JOHN GIESON and any Authorized Officer of the United States

Affidavit(s) having been made before me by AGENT GIESON who has reason to believe that on the person of
or on the premises known as (name, description and/or location)

See ATTACHMENT A

in the SOUTHERN District of CALIFORNIA there is now concealed a certain person or
property, namely (describe the person or property)

See ATTACHMENT B

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 12/1/07

Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime -- 6:00 A.M. to 10:00 P.M.) ~~at any time in the day or night as I find reasonable cause has been established~~ and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to JAN M. ADLER

U.S. Judge or Magistrate

11/21/07 at 5:28 p.m.

Date and Time Issued

City and State

Fair Oaks, CA

JAN M. ADLER
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

RETURN

DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH
INVENTORY MADE IN THE PRESENCE OF		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT		

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

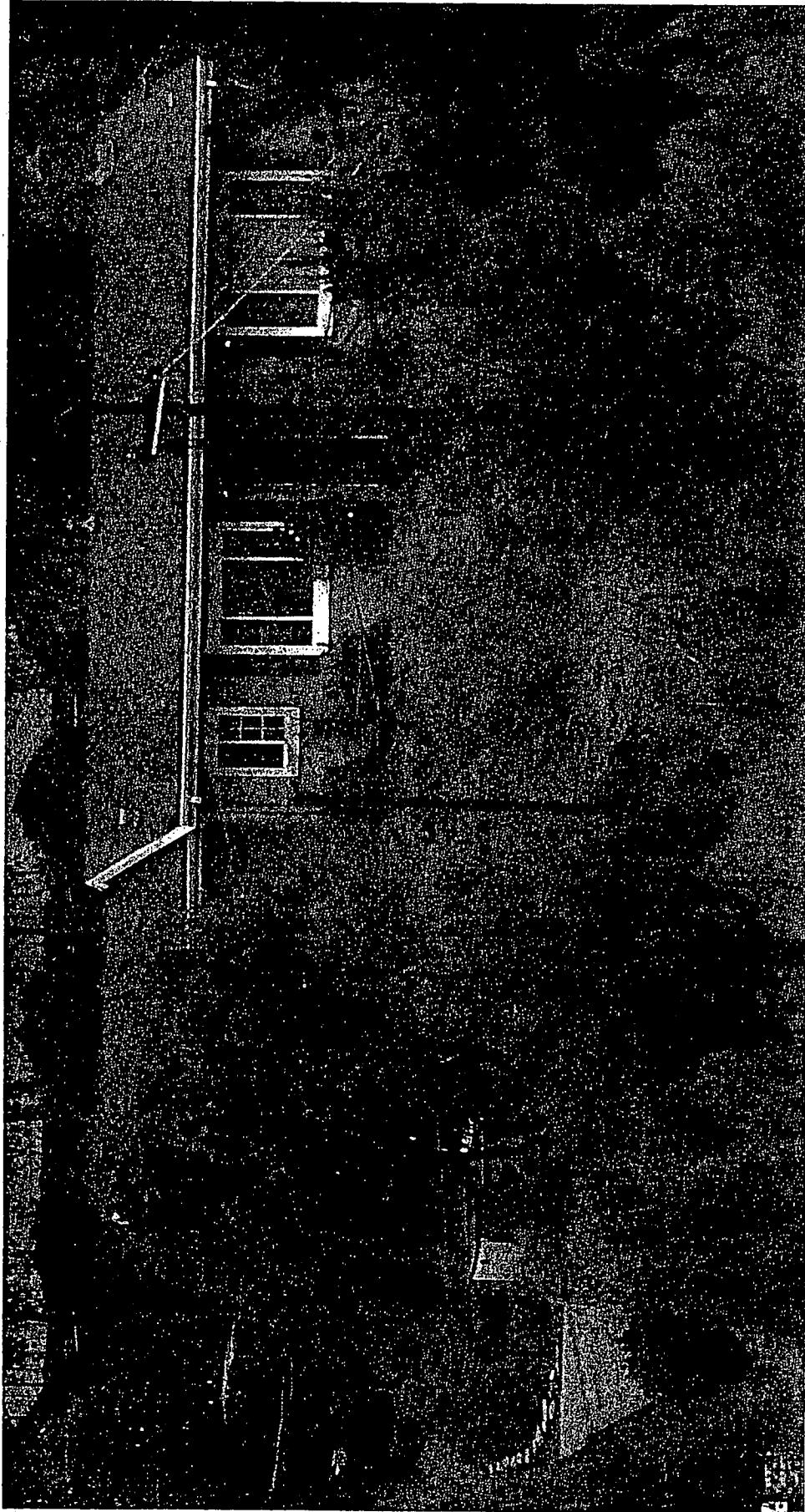
Subscribed, sworn to, and returned before me this date.

U.S. Judge or Magistrate

Date

Attachment A

The residence located at **1621 Montgomery Drive, Vista**, is further described as a single-story, single-family residence having gray colored stucco siding with white colored wood trim and having the numbers "1621" on a black mailbox at the end of the driveway on Montgomery Drive



ATTACHMENT B

1. Documents relating to or memorializing the cultivation and distribution of marijuana, including U.S Currency, buyer lists, seller lists, pay-owe sheets, records of sales, log books, drug ledgers, ~~computers and computer equipment~~, ~~computer software~~, personal telephone/address books, including electronic organizers, rolodexes, telephone answering pads, bank and financial records, and storage records, such as storage locker receipts and safety deposit box rental records.
2. Articles of personal property relating to the existence of a scheme to cultivate and distribute marijuana, including personal telephone/address books, including electronic organizers, telephone bills, photographs, and papers and documents containing lists of names and/or numbers of individuals involved in the possession and sale of marijuana.
3. Documents and articles of property relating to the identity of persons occupying, possessing, residing in, owning, frequenting or controlling the premises to be searched or property therein, including keys, door locks, rental agreements and records, property acquisition records, utility and telephone beepers or paging devices, rolodexes, telephone answering pads, storage records, vehicle and/or vessel records, canceled mail envelopes, correspondence, financial documents such as tax returns, bank records, safety deposit records, canceled checks, and other records of income and expenditure, credit card and bank records, travel documents, personal identification documents, and documents relating to obtaining false identification, including birth certificates, drivers license, immigration cards and other forms of identification in which the same person would use other names and identities other than his or her own.
4. Equipment used to cultivate marijuana, marijuana plants, processed marijuana, as well as paraphernalia for packaging, weighing, cutting, testing, distributing and identifying controlled substances.
5. Weapons and/or firearms.
6. Documents and records including income tax returns (including Forms 1120, 1120S, 1065, 1040, 940, 941, DE-3); income tax information documents (including Forms 1099, W-2, W-4, K-1), supporting work papers, summary sheets and analyses; documents relating to any corporate audits; corporate journals (including general journals, cash receipts journals, cash disbursement journals, sales journals, purchase journals and payroll journals); general and subsidiary ledgers (including payroll, accounts receivable, accounts payable, purchases); chart of accounts, adjusting and closing entries, year end trial balances, corporate minutes, bylaws and Articles of Incorporation; employee lists and employee

contracts; documents showing the receipt or disbursements of cash (including records of royalties, credit card statements and receipts, invoices, records of commercial storage, cash reconciliation's, and records regarding any purchase or sale of assets); loan documents to or from shareholders and related entities with payment history; other loan documents; inventory records; financial statements; contracts (including contract bids and proposals); mortgage records or other documentation supporting conveyances and/or ownership of property; documents and records relating to other corporations, limited liability companies, partnerships and other entities which have related ownership.

7. Records related to their banking activity (including bank statements, check registers, passbooks, deposit and withdrawal slips, cancelled checks, certificates of deposit, notes, account applications, negotiable instruments, safety deposit box records and keys, money drafts, letters of credit, money orders, cashiers' checks and receipts for same, bank checks, wire transfers and bank reconciliations).
8. Records include various Accounting Journals (e.g., Sales, Purchase, Sales Returns and Allowance, Adjusting Journals) and Business Ledgers (e.g., General, Accounts Payable, Accounts Receivable, Payroll and Subsidiary Ledgers). In addition, I know that businesses also frequently maintain a variety of records to manage their payroll, inventory and tax situation. Similarly, they must also maintain various financial records such as contracts, bank statements, cancelled checks, invoices and sales receipts in order to conduct their normal business activities.
9. Records also include audio recordings, video recordings, telephone answering machine recording, memoranda, correspondence, diaries, notes, address books, day planners, calendars, appointment books, newspaper clippings, articles, books, financial institution records, checks, cashiers' checks, money orders, wire transfer records, deposit slips, ATM receipts, certificates of deposit, safety deposit slips, withdrawal slips, monthly and quarterly statements, stock certificates, bonds, bearer instruments, notes, money market account statements, negotiable orders of withdrawal, account documents, letters of credit, passbooks, drafts, title documents, mortgage and loan documents, property records, storage agreements and bills, storage locker keys, vehicle registration and ownership documents, asset ownership records, journals, ledgers, code sheets, financials, budgets, proposals, plans, contracts, agreements, bills of sale, delivery records, invoices, receipts, documentation of conveyances, deeds, and credit card bills and other papers. These records may be in many forms such as paper, electronic, or in code. I know from my experience that businesses use such software as Quickbooks and Microsoft Money to manage their finances and track their investments.
10. All INFORMATION TO BE SERVED OF EVIDENCE ~~IS~~
VIOLATIONS OF TITLE 21 USC 841(a)(1), 846(a)(1)
MANUFACTURING OF A CONTROLLED SUBSTANCE TO WIT
MARIJUANA AND MARIJUANA PLANTS AND TITLE 18 USC
1956 MONEY LAUNDERING.

(6) TMA

COPY**UNITED STATES DISTRICT COURT**SOUTHERN

DISTRICT OF

ORDERED SEALED BY COURTCLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 NOV 26 AM '07

In the Matter of the Search of
 (Name, address or brief description of person or property to be searched)

**1621 Montgomery Drive
 Vista, California**

DEPUTY

**APPLICATION AND AFFIDAVIT
 FOR SEARCH WARRANT****CASE NUMBER:** '07 MJ 2743

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 on the person of or XX on the property or premises known as (name, description and/or location)

1621 Montgomery Drive, Vista, California (Attachment A)

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See Attachment B

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

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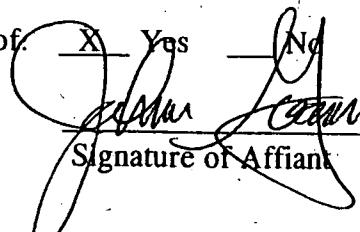
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See Attached Affidavit.

Continued on the attached sheet and made a part thereof.

Yes

No


 Signature of Affiant

Sworn to before me, and subscribed in my presence

11/21/07 at San Diego, CA
 Date City and State

Name and Title of Judicial Officer

U.S. Magistrate
 Judge

Signature of Judicial Officer

Jan M. Allen

COPY**UNITED STATES DISTRICT COURT****SOUTHERN DISTRICT OF CALIFORNIA****ORDERED SEALED BY COURT**

In the Matter of the Search of
 (Name, address or brief description of person or property to be searched)

 CLERK U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

**3220 Gopher Canyon Road
 Vista, California**

**APPLICATION AND AFFIDAVIT
 FOR SEARCH WARRANT**
CASE NUMBER: 07 MJ 2744

I, John Gieson, being duly sworn depose and say:

I am a(n) Special Agent with the Drug Enforcement Administration and have reason to believe that

on the person of or XX on the property or premises known as (name, description and/or location)

3220 Gopher Canyon Road, Vista, California

(Attachment A)

in the SOUTHERN District of CALIFORNIA
 there is now concealed a certain person or property, namely (describe the person or property)

See Attachment *B*

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

Evidence of the commission of a criminal offense concerning violations of Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Section 1956.

The facts to support a finding of Probable Cause are as follows:

See Attached Affidavit.

Continued on the attached sheet and made a part thereof.

Yes

No

[Signature]
 Signature of Affiant

Sworn to before me, and subscribed in my presence

11/21/07 at Fair D.L.G., CA
 Date City and State

Jas M. Adler
 Name and Title of Judicial Officer

Jas M. Adler
 Signature of Judicial Officer

U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
ORDERED SEALED BY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of
 (Name, address or brief description of person or property to be searched)

3220 GOPHER CANYON ROAD
 VISTA, CALIFORNIA

SEARCH WARRANT

CASE NUMBER: **07 MJ 2744**

TO: DEA SPECIAL AGENT JOHN GIESON and any Authorized Officer of the United States

Affidavit(s) having been made before me by AGENT GIESON who has reason to believe that ___ on the person of
 or ___ on the premises known as (name, description and/or location)

See ATTACHMENT A

in the SOUTHERN District of CALIFORNIA there is now concealed a certain person or
 property, namely (describe the person or property)

See ATTACHMENT B

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or
 property so described is now concealed on the person or premises above-described and establish grounds for the
 issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 12/1/07

Tan M. Adler
 Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant
 and making the search (in the daytime -- 6:00 A.M. to 10:00 P.M.) ~~at any time in the day or night as I find reasonable cause has been established~~ and if the person or property be found there to seize same, leaving a copy of
 this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property
 seized and promptly return this warrant to JAN M. ADLER
 as required by law.

JAN M. ADLER
 U.S. Judge or Magistrate

11/21/07 at 5:25 p.m.
 Date and Time Issued

JAN M. ADLER, CA
 City and State

JAN M. ADLER
 UNITED STATES MAGISTRATE JUDGE

JAN M. ADLER
 Signature of Judicial Officer

RETURN

DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH
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INVENTORY MADE IN THE PRESENCE OF

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

Subscribed, sworn to, and returned before me this date.

U.S. Judge or Magistrate

Date

Attachment A

3220 Gopher Canyon Road, Vista, is further described as a single-story, single-family residence having brown colored wood siding and having the numbers "3220" on a mail box pillar at the end of the drive way on Gopher Canyon Road and also having the numbers "3220" incorporated into the iron gate.



ATTACHMENT B

1. Documents relating to or memorializing the cultivation and distribution of marijuana, including U.S Currency, buyer lists, seller lists, pay-owe sheets, records of sales, log books, drug ledgers, ~~computers and computer equipment, computer software~~, personal telephone/address books, including electronic organizers, rolodexes, telephone answering pads, bank and financial records, and storage records, such as storage locker receipts and safety deposit box rental records.
2. Articles of personal property relating to the existence of a scheme to cultivate and distribute marijuana, including personal telephone/address books, including electronic organizers, telephone bills, photographs, and papers and documents containing lists of names and/or numbers of individuals involved in the possession and sale of marijuana.
3. Documents and articles of property relating to the identity of persons occupying, possessing, residing in, owning, frequenting or controlling the premises to be searched or property therein, including keys, door locks, rental agreements and records, property acquisition records, utility and telephone beepers or paging devices, rolodexes, telephone answering pads, storage records, vehicle and/or vessel records, canceled mail envelopes, correspondence, financial documents such as tax returns, bank records, safety deposit records, canceled checks, and other records of income and expenditure, credit card and bank records, travel documents, personal identification documents, and documents relating to obtaining false identification, including birth certificates, drivers license, immigration cards and other forms of identification in which the same person would use other names and identities other than his or her own.
4. Equipment used to cultivate marijuana, marijuana plants, processed marijuana, as well as paraphernalia for packaging, weighing, cutting, testing, distributing and identifying controlled substances.
5. Weapons and/or firearms.
6. Documents and records including income tax returns (including Forms 1120, 1120S, 1065, 1040, 940, 941, DE-3); income tax information documents (including Forms 1099, W-2, W-4, K-1), supporting work papers, summary sheets and analyses; documents relating to any corporate audits; corporate journals (including general journals, cash receipts journals, cash disbursement journals, sales journals, purchase journals and payroll journals); general and subsidiary ledgers (including payroll, accounts receivable, accounts payable, purchases); chart of accounts, adjusting and closing entries, year end trial balances, corporate minutes, bylaws and Articles of Incorporation; employee lists and employee

contracts; documents showing the receipt or disbursements of cash (including records of royalties, credit card statements and receipts, invoices, records of commercial storage, cash reconciliation's, and records regarding any purchase or sale of assets); loan documents to or from shareholders and related entities with payment history; other loan documents; inventory records; financial statements; contracts (including contract bids and proposals); mortgage records or other documentation supporting conveyances and/or ownership of property; documents and records relating to other corporations, limited liability companies, partnerships and other entities which have related ownership.

7. Records related to their banking activity (including bank statements, check registers, passbooks, deposit and withdrawal slips, cancelled checks, certificates of deposit, notes, account applications, negotiable instruments, safety deposit box records and keys, money drafts, letters of credit, money orders, cashiers' checks and receipts for same, bank checks, wire transfers and bank reconciliations).
8. Records include various Accounting Journals (e.g., Sales, Purchase, Sales Returns and Allowance, Adjusting Journals) and Business Ledgers (e.g., General, Accounts Payable, Accounts Receivable, Payroll and Subsidiary Ledgers). In addition, I know that businesses also frequently maintain a variety of records to manage their payroll, inventory and tax situation. Similarly, they must also maintain various financial records such as contracts, bank statements, cancelled checks, invoices and sales receipts in order to conduct their normal business activities.
9. Records also include audio recordings, video recordings, telephone answering machine recording, memoranda, correspondence, diaries, notes, address books, day planners, calendars, appointment books, newspaper clippings, articles, books, financial institution records, checks, cashiers' checks, money orders, wire transfer records, deposit slips, ATM receipts, certificates of deposit, safety deposit slips, withdrawal slips, monthly and quarterly statements, stock certificates, bonds, bearer instruments, notes, money market account statements, negotiable orders of withdrawal, account documents, letters of credit, passbooks, drafts, title documents, mortgage and loan documents, property records, storage agreements and bills, storage locker keys, vehicle registration and ownership documents, asset ownership records, journals, ledgers, code sheets, financials, budgets, proposals, plans, contracts, agreements, bills of sale, delivery records, invoices, receipts, documentation of conveyances, deeds, and credit card bills and other papers. These records may be in many forms such as paper, electronic, or in code. I know from my experience that businesses use such software as Quickbooks and Microsoft Money to manage their finances and track their investments.
10. ALL INFORMATION TO BE SEIZED OR EVIDENCE →
 VIOLATIONS OF TITLE 21 USC 841(2)(1), 841b(2)(1)
 MANUFACTURING OF A CONTROLLED SUBSTANCE TO WIT
 MARIJUANA AND MARIJUANA PLANTS AND TITLE 18
 USC 1956 MONEY LAUNDERING.

(K) JMA

1 **AFFIDAVIT IN SUPPORT OF APPLICATION OR SEARCH WARRANT**

2 I, John J. Gieson, being duly sworn, declare and state:

3 I

4 **BACKGROUND AND EXPERIENCE**

5 1. I am a Special Agent of the United States Department of Justice, Drug Enforcement
6 Administration (DEA) and have been so employed since September 1998. I am presently assigned to
7 the San Diego Field Division, Narcotic Task Force Team 6 (NTF), and have been so since April 1999.
8 I have received formal training in illicit controlled substance investigations in San Diego County and
9 surrounding areas. I have had formal training and experience in controlled substances investigations;
10 I have become familiar with the manner in which controlled substance investigations, including
11 marijuana, are packaged, marketed, cultivated and consumed. I have received training in the
12 identification of all types of controlled substances by sight and odor, including marijuana. I have
13 participated in hundreds of arrests for controlled substances violations. In the course of my present
14 duties, I have become familiar with the manners and techniques of traffickers in controlled substance
15 as practiced locally. I have served or assisted in the service of over 100 search warrants wherein all
16 types of controlled substances, including marijuana, were seized.

17 2. In January 1999, I completed a 17-week Basic Agent's School at the FBI Academy in
18 Quantico, Virginia, which included training in the manufacture, cultivation, distribution, and abuse of
19 all types of controlled substances. In April 2000, your affiant completed the 2-week Clandestine
20 Laboratory Investigation Course at the FBI Academy in Quantico, Virginia, which was conducted by
21 DEA. Your affiant has received more than 100 hours of instruction in conducting indoor/outdoor
22 cannabis investigations. Currently, your affiant serves as DEA's San Diego Division, Domestic
23 Cannabis Eradication/Suppression Program Coordinator. Your affiant is responsible for coordinating
24 the marijuana eradication efforts in San Diego and Imperial Counties. Your affiant has personally
25 assisted in the eradication of more than 300,000 marijuana plants. Your affiant has also performed the
26 following duties: (1) acted as case agent organizing drug investigations; and (2) debriefed numerous
27 informants and defendants regarding marijuana cultivation and distribution.

28

3. In preparing this affidavit, I have conferred with other special agents and law enforcement officers who have experience conducting investigations regarding the cultivation of marijuana. Furthermore, I have personal knowledge of the following facts or have been informed of them by others.

III

LOCATIONS TO BE SEARCHED

4. This affidavit is submitted solely for the purpose of establishing probable cause to scan each premises located at (1) 1621 Montgomery Drive, Vista, California (hereinafter "1621 Montgomery Drive"); (2) 3220 Gopher Canyon Road, Vista, California (hereinafter "3220 Gopher Canyon Road"); (3) 10241 Eagle Rock Avenue, San Diego, California (hereinafter "10241 Eagle Rock Avenue"); and (4) 8539 Aquarius Drive, San Diego, California (hereinafter "8539 Aquarius Drive"), including all attached and unattached rooms, attics, basements, garages (including vehicles parked therein), storage areas, safes, briefcases, containers, trash areas within the residence, surrounding grounds and outbuildings assigned to or part of to these four locations. The locations are further described in Attachment A.

5. This affidavit does not contain all of the information known to law enforcement regarding this investigation, but rather contains only those facts believed to be necessary to establish probable cause to search the locations listed above in paragraph 4. Based upon my training and experience, my review of documents and other relevant information I believe to be reliable, witness interviews, and discussions with other agents from the DEA, the United States Internal Revenue Service ("IRS"), I submit that the facts contained in this affidavit demonstrate that there is probable cause to believe that evidence of violation of Title 21, United States Code, Sections 841(a)(1)/846 and 841(a)(1) (manufacture of a controlled substance, to wit, marijuana and marijuana plants) and Title 18, United States Code, Section 1956 (money laundering), including items listed in Attachment B, will be found at: (1) 1621 Montgomery Drive; (2) 3220 Gopher Canyon Road; (3) 10241 Eagle Rock Avenue; and, (4) 8539 Aquarius Drive.

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3 III.
4FACTS ESTABLISHING PROBABLE CAUSEBACKGROUND OF INVESTIGATION

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7. In June 2007, your affiant interviewed a Source of Information (SOI) who related that an individual named Seth Venskus (hereinafter "Venskus") was known to grow marijuana indoors. The SOI believed that Venskus lived in San Marcos, but had heard through mutual acquaintances that the indoor grow house was possibly in the Mira Mesa or Clairemont areas of San Diego. The SOI previously purchased personal amounts of marijuana from Venskus. The SOI was not aware of where Venskus currently resided and did not know the specific location of where Venskus grew and manufactured marijuana. SOI is not a percipient witness to Venskus' marijuana grows.

8. The SOI is currently facing charges in an open criminal prosecution, but has agreed to cooperate with law enforcement. No promises have been made to the SOI in exchange for her/his cooperation other than the amount and degree of the cooperation will be made known to the prosecutor, who may then be inclined to recommend some kind of sentencing consideration. The SOI has entered a guilty plea in federal court to manufacturing marijuana plants (an offense that is a 5-year minimum mandatory) and is awaiting sentencing. Despite these pending charges, I believe the SOI information is accurate because the information given to me was corroborated by other law enforcement sources and me.

9. I desire to keep the SOI confidential because she/he has requested me to do so; because it is my training and experience that such SOI's suffer physical, social or emotional retribution when their identities are revealed; because it is my experience that to reveal the identity of such SOI's seriously impairs their utility to law enforcement; and because it is my experience that revealing the identity of such SOI's dissuades other citizens from disclosing confidential information about criminal activities to law officers. The SOI is not a percipient witness of any of the events.

10. Pursuant to the information from the SOI, I subsequently queried Venskus' name into a law enforcement database and learned Venskus' name had been previously entered by San Diego County Sheriff's Detective Tim Dinger. I spoke to Detective Dinger, who told me that in August 2006, he received a citizen's complaint of possible narcotic activity taking place at 337 Morgan Place, Vista,

1 California (hereinafter "337 Morgan Place"). He spoke to the citizen who told him he/she believed that
 2 Seth Venskus was possibly selling narcotics out of the residence of 337 Morgan Place. The citizen
 3 further provided Detective Dinger with multiple California license plates that the citizen believed were
 4 involved with the narcotic activity. Detective Dinger investigated the information but was not able to
 5 develop any actionable leads.

6 **1621 MONTGOMERY DRIVE INVESTIGATION**

7 11. I reviewed subpoenaed records from San Diego Gas & Electric (hereinafter "SDG&E")
 8 which show that Seth Venskus is the current utility subscriber at **1621 Montgomery Place**, and has been
 9 since April 1, 2007.

10 12. The following table shows the electrical usage history, in kilowatt-hours per month, at
 11 **1621 Montgomery Drive**, along with four comparable neighborhood residences. I have personally seen
 12 these residences used for comparison purposes in the neighborhood and they appear to be similar in size
 13 and construction to the residence at **1621 Montgomery Drive**.

14 **AMOUNT OF KILOWATTS UTILIZED**

DATE	1621	XXX	XXX	XXX	XXX
	<u>Montgomery</u>	<u>Montgomery</u>	<u>Montgomery</u>	<u>Montgomery</u>	<u>Montgomery</u>
10/07	1776	294	235	477	661
09/07	1578	649	264	500	818
08/07	2250	1133	202	505	710
07/07	2311	1198	249	505	627
06/07	2478	685	320	593	726
05/07	2257	563	252	422	609
04/07	1515	406	260	462	633

13. Based on my training and experience, it is my opinion that the electrical usage at **1621**
Montgomery Drive shows high energy use that is consistent with the amount of electricity required to
 operate the equipment commonly used for indoor marijuana cultivation, namely, but not limited to, high
 wattage lights, circulation fans, exhaust blowers, and pump systems. I observed nothing from the

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2 outside of the structure that could lead me to account for the high electrical usage.

3 14. On August 9, 2007, a magnetic Global Positioning System (GPS) vehicle tracker was
 4 placed on a 1999 Ford F-250 pick-up truck bearing California license plate 7L21211, registered to
 5 Venskus at 337 Morgan Place (hereinafter "Venskus' truck"). The GPS tracker was placed on Venskus'
 6 truck while it was parked in the drive way of 337 Morgan Place. Subsequent battery changes of the
 7 magnetic GPS vehicle tracker took place while Venskus' truck was parked in a public place or in the
 8 driveway of his residence at 337 Morgan Place. The driveway entrance to 337 Morgan Place is not gated
 9 and there is no signage denoting "no soliciting" or "no trespassing." The GPS tracker on Venskus'
 10 truck shows that Venskus likely resides at 337 Morgan Place because the truck returns to the address
 11 every night. However, the GPS tracker also shows that Venskus' truck frequently travels to the area of
 12 **1621 Montgomery Drive**, which I believe is a marijuana grow location as further discussed below, and
 13 would eventually return to 337 Morgan Place. When conducting physical surveillance in conjunction
 14 with the GPS tracker, on multiple occasions, I and other agents have observed Venskus driving his
 15 truck. Below is a chart depicting information received from the GPS tracker on Venskus' truck
 16 demonstrating that he frequently travels to the areas of **1621 Montgomery Drive** as well as **3220**
 17 **Gopher Canyon Road**¹ which I believe is a marijuana grow location as further discussed below.
 18

<u>MONTH</u>	<u># OF TIMES TRAVELED TO THE AREA OF 1621 MONTGOMERY</u>	<u># OF DAYS TRACKED IN MONTH</u>
August	10	15
September	23	27
Octobe	8	30
November (1-20)	9	20

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¹ These GPS charts contained in this affidavit do not represent all of the information gathered from the tracking device, but only the information necessary to establish probable cause for the locations being searched.

<u>MONTH</u>	<u># OF TIMES TRAVELED TO THE AREA OF 3220 GOPHER CANYON</u>	<u># OF DAYS TRACKED IN MONTH</u>
August	5	15
September	9	27
October	8	30
November (1-20)	12	20

15. Venskus also has a 2000 blue-colored Jeep Cherokee bearing California license plate
 5NGU289, registered to Venskus at 337 Morgan Place. On August 23 and October 12 and 30, 2007,
 I observed Venskus' jeep parked in the driveway of **1621 Montgomery Drive**. On July 23 and
 October 2, 2007, I observed the Vensku's jeep parked in the driveway of **3220 Gopher Canyon Road**.
 I conducted physical surveillance on several occasions during this time frame.

16. On November 8, 2007, a magnetic Global Positioning System (GPS) vehicle tracker was
 placed on a 2000 Jeep Cherokee bearing California license plate 5NGU289, registered to Venskus at
 337 Morgan Place (hereinafter "Venskus' jeep"). The GPS tracker was placed on Venskus'jeep while
 it was parked in the drive way of 337 Morgan Place. Subsequent battery changes of the magnetic GPS
 vehicle tracker took place while Venskus' jeep was parked in a public place or in the driveway of his
 residence at 337 Morgan Place. The GPS tracker on Venskus' jeep shows that Venskus likely resides
 at 337 Morgan Place because the jeep returns to the address every night. However, the GPS tracker also
 shows that Venskus' jeep frequently travels to the area of **1621 Montgomery Drive** and would
 eventually return to 337 Morgan Place. When conducting physical surveillance in conjunction with
 the GPS tracker I and other agents have observed Venskus driving his jeep. Below is a chart depicting
 information received from the GPS tracker on Venskus' jeep demonstrating that he frequently travels
 to the areas of **1621 Montgomery Drive** as well as **3220 Gopher Canyon Road**:

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<u>MONTH</u>	<u># OF TIMES TRAVELED TO THE AREA OF 1621 MONTGOMERY</u>	<u># OF DAYS TRACKED IN MONTH</u>
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November	5	14
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<u>MONTH</u>	<u># OF TIMES TRAVELED TO THE AREA OF 3220 GOPHER CANYON</u>	<u># OF DAYS TRACKED IN MONTH</u>
--------------	--	-----------------------------------

November (1-20)	1	14
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17. In addition, I believe that Venskus frequents **1621 Montgomery Drive** and **3220 Gopher Canyon Road** properties because in my training and experience, indoor marijuana cultivation operations require regular maintenance to ensure that the marijuana plants are growing healthy and that the equipment (such as lights, fans, irrigation systems, etc.) is operating properly. Some marijuana grows require daily maintenance, while other grows require maintenance 2-3 times each week. If a malfunction occurred with any equipment and the problem was not rectified immediately, it would effect the growth of the marijuana plants resulting in the ultimate loss of product and therefore decreasing the profitability.

18. Based on my training and experience, it is common for persons who operate clandestine indoor marijuana cultivation operations to reside in a separate residence while maintaining the cultivation operations at other locations. This is done to minimize their involvement in the cultivation operations and insulate themselves if law enforcement discovers the cultivation operation location.

19. On October 12, 2007, at approximately 11:05 a.m., the GPS tracker indicated Venskus' truck arrived in the area of HydroBrew located at 1319 S. Coast Highway 101, Oceanside, California. HydroBrew has been identified by the DEA as supplying equipment used for the cultivation of marijuana. At 11:10 a.m., a DEA Task Force Agent (TFO) observed Venskus exit HydroBrew carrying a bag of grow rocks and place it in the bed of the pick-up truck, re-enter the store, and exit again with an additional bag of grow rocks and a brown paper bag. Venskus placed the second bag of grow rocks

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2 into the bed of the pick-up truck and the brown paper bag into the cab of the truck. Grow rocks are a
3 growing medium used in lieu of dirt commonly used in the cultivation of marijuana. Venskus was
4 subsequently followed by agents directly to **1621 Montgomery Drive**. I believe that Venskus was
5 replenishing supplies needed in the ongoing cultivation of marijuana grow.
6

7 20. On October 30, 2007, at approximately 11:19 a.m., I observed Venskus and another
8 individual, Michael Druker, depart from **1621 Montgomery Drive** in Venskus' Jeep Cherokee. They
9 were followed directly to HydroBrew, both entering the store. Michael Druker exited carrying a box and
10 Venskus exited carrying two brown bags. They were then followed directly back to **1621 Montgomery**
11 **Drive**.
12

13 21. On November 14, 2007, I applied for and was granted State of California scan warrant
14 #503-07 by San Diego County Superior Court Judge Joel Pressman, authorizing a Forward Looking
15 Infrared (FLIR) scan of **1621 Montgomery Drive**. This device is a passive, non-intrusive system which
16 detects differences in temperature of an object being observed. This system does not send any beams
17 or rays into an area, nor does it enter any structured area. The system only detects differences in the
18 surface temperatures of an object. The use of this device in the early morning or late evening hours,
19 without solar loading (sunshine), will highlight man-made heat sources as a white color and cooler
20 temperatures by shades of gray. Similar devices such as this have been used with other applications
21 such as locating missing persons in a forest, identifying inefficient building insulations, detecting hot
22 overloaded power lines; and detecting forest fire lines through smoke.
23

25 22. On November 15, 2007, pursuant to the state FLIR scan warrant, San Diego Police
26 Officer Kevin Means, who is assigned to the San Diego Police Department's aviation unit as a Tactical
27 Flight Officer (TFO), conducted this FLIR. Officer Means is also a certified thermographer. I have been
28 advised of the qualifications of Officer Means as described in Attachment C, which is filed in

conjunction herewith and incorporated by reference herein. After reviewing the video of the FLIR, Officer Means opined there was an area of the roof, in the center of the house, on the backside of the house that was emitting an unusual amount of heat. Warm rooftops are commonly found at indoor marijuana grow houses. Officer Means was not able to detect any other heat anomalies that would indicate the presence of an indoor marijuana grow. Officer Means concluded that the FLIR scan was inconclusive as to the presence of an indoor marijuana grow.

23. Although the FLIR scan did not detect sufficient heat anomalies associated with indoor marijuana cultivator, it does not preclude the possibility the house is being used to cultivate marijuana especially given the high electricity usage combined with other factors. Based on my training and experience, marijuana cultivators are often aware of the techniques and tools used by law enforcement to detect their marijuana cultivation operations. They learn these techniques from other marijuana cultivators and trade publications such as "High Times" magazine. For example, they are told not to discard the unused portions of the marijuana plant in their trash because they know law enforcement conducts trash searches. When purchasing equipment from hydroponic stores, they are told to use different vehicles and not to drive directly back to their marijuana cultivation location because law enforcement conducts surveillance at these hydroponic stores. Likewise, they are also taught ways of defeating the FLIR scans. For example, marijuana cultivators may operate their heat generating equipment during the day-time hours when FLIR scans can not be used. Marijuana cultivators can also insulate the rooms that are being used. They can also direct the venting to other locations, such as a fireplace chimney.

3220 GOPHER CANYON ROAD INVESTIGATION

24. In reviewing the subpoenaed records obtained from SDG&E regarding 1621 Montgomery Drive, I noticed the prior utility subscriber to Venskus was Michael Druker from October 5, 2005 to April 25, 2007.

25. The SOI further related that she/he had purchased marijuana from Michael Druker on many occasions but estimated the last purchase was at least a year and a half ago. During this time frame, Michael Druker told the SOI that he was purchasing indoor grown marijuana from Venskus.

26. I obtained further subpoenaed records from SDG&E, which revealed that Michael Druker is the current utility subscriber at 3220 Gopher Canyon Road, since November 17, 2006 to the present.

8 27. The following table shows the electrical usage history in kilowatt-hours per month at
9 **3220 Gopher Canyon Road**, along with four comparable neighborhood residences. I have personally
10 seen these residences used for comparison purposes in the neighborhood and they appear to be similar
11 in size and construction to the residence at **3220 Gopher Canyon Road**.

AMOUNT OF KILOWATTS UTILIZED

DATE	3220	XX	XXX	XXX	XXX
	<u>Gopher Can</u>				
10/07	2697	472	1592	345	831
09/07	2398	533	2321	397	828
08/07	1935	494	2707	403	951
07/07	3644	264	2278	452	902
06/07	2084	444	1511	364	862
05/07	3224	479	1562	263	849
04/07	744	714	1645	300	971
03/07	1940	575	1638	304	1014
02/07	1777	29	1602	322	1206
01/07	1022	48	1584	447	1463
12/06	518	558	1477	360	1156

28. Based on my training and experience, it is my opinion that the electrical usage at 3220 Gopher Canyon Road shows excessive energy use that is consistent with the amount of electricity

1
2 required to operate the equipment commonly used for indoor marijuana cultivation, namely, but not
3 limited to, high wattage lights, circulation fans, exhaust blowers, and pump systems. I observed nothing
4 from the outside of the structure that could lead me to account for the extremely high electrical usage.
5

6 29. On October 17, 2007, a magnetic GPS vehicle tracker was placed on a 1999 Ford F-350
7 pick-up truck bearing California license plate 7S4520, registered to Michael D. Druker at **1621**
8 **Montgomery Drive** (hereinafter "Druker's truck"). The GPS tracker was placed on Michael Druker's
9 truck while it was parked in a public parking lot. Subsequent battery changes of the magnetic GPS
10 vehicle tracker took place while Michael Druker's truck was parked in a public place or while parked
11 in the drive way of **1621 Montgomery Drive**. The driveway entrance to **1621 Montgomery Drive** is
12 not gated and there is no signage denoting "no soliciting" or "no trespassing." Physical surveillance
13 since August 2007 and the GPS tracker on Druker's truck shows that Michael Drukers resides at **3220**
14 **Gopher Canyon Road**. However, the GPS tracker also shows that Michael Druker frequently travels
15 to the area of **1621 Montgomery Drive**. When conducting physical surveillance in conjunction with
16 the GPS tracker, I and other agents have observed Michael Druker driving his truck. Below is a chart
17 depicting information received from the GPS tracker on Drukers' truck demonstrating that he frequently
18 travels to the area of **1621 Montgomery Drive**.

<u>MONTH</u>	<u># OF TIMES TRAVELED TO THE AREA OF 1621 MONTGOMERY</u>	<u># OF DAYS TRACKED IN MONTH</u>
October	17	14
November (1-20)	17	15

21 30. On November 14, 2007, I applied for and was granted State of California scan warrant
22 #503-07 by San Diego County Superior Court Judge Joel Pressman, authorizing a Forward Looking
23 Infrared (FLIR) scan of **3220 Gopher Canyon Road**.

24 31. On November 15, 2007, pursuant to the state FLIR scan warrant, San Diego Police
25 Officer Kevin Means conducted this FLIR. After reviewing the video of the FLIR, Officer Means opined
26 there was an unusual amount of heat emitting from a window that was located to the right of the front

1
2 door. There was also an unusual amount of heat emitting from two windows on the backside of the
3 house, directly across from the warm window on the front of the house. Portions of the roof area
4 between the warm windows on both sides of the house were slightly warmer than other areas of the roof.
5 Means concluded that these types of heat anomalies are consistent with venting at an indoor marijuana
6 cultivation operation.

7 **10241 EAGLE ROCK AVENUE INVESTIGATION**

8 32. Referring back to the citizens complaint (as discussed in paragraph 10 of this Affidavit),
9 one of the license plates given to Detective Dinger by the concerned citizen was California license plate
10 number 7H77011. This license plate is assigned to a 2003 Ford pick-up truck registered to Bela R.
11 Bartanyi at **10241 Eagle Rock Avenue**. According to California Department of Motor Vehicles, Bela
12 R. Bartanyi has been the registered owner of that 2003 Ford pick-up since 2004. According to property
13 records, Bartanyi is the owner of **10241 Eagle Rock Avenue**.

14 33. SDG&E records reveal Bela Bartanyi is the current utility subscriber at **10241 Eagle**
15 **Rock Avenue** since May 23, 2005.

16 34. I identified Bela Bartanyi as having a date of birth of May 24, 1966.

17 35. A criminal records check of Bela Bartanyi revealed that in 2002, he had been arrested
18 for California Health & Safety Code § 11357(b) - possession of marijuana under an ounce. This charge
19 was dismissed and Bela Bartanyi plead to another unrelated charge.

20 36. The following table shows the electrical usage history, in kilowatt-hours per month, at
21 **10241 Eagle Rock Avenue**, along with four comparable neighborhood residences. I have personally
22 seen these residences used for comparison purposes in the neighborhood and they appear to be similar
23 in size and construction to the residence at **10241 Eagle Rock Avenue**.

24 **AMOUNT OF KILOWATTS UTILIZED**

DATE	<u>10241</u> <u>Eagle Rock</u>	<u>XXX</u> <u>Eagle Rock</u>	<u>XXX</u> <u>Eagle Rock</u>	<u>XXX</u> <u>Eagle Rock</u>	<u>XXX</u> <u>Eagle Rock</u>
10/07	1926	315	473	331	295
09/07	2079	369	552	605	375
08/07	2480	378	542	677	345

1						
2	07/07	2189	395	446	691	373
3	06/07	1848	385	372	657	279
4	05/07	2103	422	435	687	303
5	04/07	1743	379	400	624	283
6	03/07	1999	427	365	620	296
7	02/07	1779	460	402	719	326
8	01/07	2432	456	404	714	342
9	12/06	2247	418	402	770	358
10	11/06	1966	421	445	801	386

11 37. Based on my training and experience, it is my opinion that the electrical usage at **10241**
 12 **Eagle Rock Avenue** shows excessive energy use that was consistent with the amount of electricity
 13 required to operate the equipment commonly used for indoor marijuana cultivation, namely, but not
 14 limited to, high wattage lights, circulation fans, exhaust blowers, and pump systems. I observed nothing
 15 from the outside of the structure that could lead me to account for the extremely high electrical usage.

16 38. On November 14, 2007, I applied for and was granted State of California scan warrant
 17 #503-07 by San Diego County Superior Court Judge Joel Pressman, authorizing a Forward Looking
 18 Infrared (FLIR) scan of **10241 Eagle Rock Avenue**.

19 39. On November 15, 2007, pursuant to the state FLIR scan warrant, San Diego Police
 20 Officer Kevin Means conducted this FLIR. After reviewing the video of the FLIR, Officer Means opined
 21 that the front half of the house was noticeably warmer than the back half. There was an unusual amount
 22 of heat emitting from the vent at the peak of the roof on both sides of the house. There was an unusual
 23 amount of heat emitting from the edges of a large vent or skylight, just behind the peak of the roof.
 24 Means concluded that these types of heat anomalies to be consistent with that of an indoor marijuana
 25 cultivation operation.

8539 AQUARIUS DRIVE INVESTIGATION

26 40. On October 1, 2007, I followed Bela Bartanyi from his residence, **10241 Eagle Rock**
 27 **Avenue** directly to **8539 Aquarius Drive**. [Agents placed a GPS tracker on Bartanyi's vehicle for a
 28 couple of weeks in August 2007 and it was tracked to **8539 Aquarius Drive** on a few occasions.]

1

2 41. Based on my training and experience, it is common for people who cultivate marijuana
 3 to frequent their friends' clandestine marijuana cultivation operations. They do this for various reasons,
 4 such as, but not limited to, helping each other grow the plants, set up equipment, trade or sell marijuana
 5 clones, and/or help with electrical problems. In my experience, marijuana growers often have partners
 6 in their marijuana grows.

7 42 I obtained records from SDG&E which revealed that Scott Sharp has been the current
 8 utility subscriber at **8539 Aquarius Drive** since August 15, 2006. Scott Sharp previously listed 10228
 9 Eagle Rock Avenue, in 2003, according to California Department of Motor Vehicles records. Scott
 10 Sharp currently has three vehicles registered to him at the **8539 Aquarius Drive** address.

11 43. The following table shows the electrical usage history, in kilowatt-hours per month, at
 12 **8539 Aquarius Drive**, along with four comparable neighborhood residences. I have personally seen
 13 these residences used for comparison purposes in the neighborhood and they appear to be similar in size
 14 and construction to the residence at **8539 Aquarius Drive**.

15 16 17	DATE	<u>AMOUNT OF KILOWATTS UTILIZED</u>					X	X	X
		8539	XXX	XXX	XXX	<u>Aquarius</u>			
18	10/07	1891	529	420	762	611			
19	09/07	2125	604	590	944	630			
20	08/07	1939	520	503	881	659			
21	07/07	2478	514	498	786	556			
22	06/07	3196	465	390	910	567			
23	05/07	1548	421	360	799	500			
24	04/07	1946	415	370	782	450			
25	03/07	2515	405	376	767	443			
26	02/07	3075	475	453	900	524			
27	01/07	1493	386	460	995	504			
28	12/06	2486	411	706	1058	504			
	11/06	2081	390	430	1059	485			

44. Based on my training and experience, it is my opinion that the electrical usage at 8539 Aquarius Drive shows excessive energy use that was consistent with the amount of electricity required to operate the equipment commonly used for indoor marijuana cultivation, namely, but not limited to, high wattage lights, circulation fans, exhaust blowers, and pump systems. I observed nothing from the outside of the structure that could lead me to account for the extremely high electrical usage.

45. On November 14, 2007, I applied for and was granted State of California scan warrant #503-07 by San Diego County Superior Court Judge Joel Pressman, authorizing a Forward Looking Infrared (FLIR) scan of 8539 Aquarius Drive.

46. On November 15, 2007, pursuant to the state FLIR scan warrant, San Diego Police Officer Kevin Means conducted this FLIR. After reviewing the video of the FLIR, Officer Means opined the front half of the garage was noticeably warmer than the rear half. There was an unusual amount of heat emitting from a vent near the ground at the rear of the garage. Means concluded that these types of heat anomalies are consistent with an indoor marijuana cultivation operation.

FINANCIAL/EMPLOYMENT BACKGROUND

47. Subpoenaed records from the California Employment Development Department (EDD) show that:

- Seth Venskus had no wages reported by an employer from the 1st quarter of 2003 to the 1st quarter of 2007. Venskus has not filed for unemployment or disability during this time frame. No other sources of income, except for marijuana cultivation, have been uncovered during the investigation of Venskus.
 - Michael Druker had no wages reported by an employer from the 1st quarter of 2003 to the end of the 1st quarter of 2007 for Michael Druker. Michael Druker has not filed for unemployment or disability during this time frame.
 - I identified Bela Bartanyi as utilizing social security number 568-69-4594. EDD has no records for social security number 568-69-4594.
 - Between the second quarter of 2002 to the first quarter of 2007, employers reported Scott Sharp earned only \$8,912.56

1
2 48. During the course of this investigation, I attempted to locate Michael Druker employment
3 history, the California Employment Development Department does not list an employer or that wages
4 were paid to Michael Druker from the first quarter of 2003 to end of the first quarter in 2007. It is my
5 experience that individuals that operate indoor marijuana grow operations do not have legitimate
6 employment, the profits reaped from growing and selling marijuana are enormous and the maintenance
7 that is required to run multiple marijuana grows operation does not allow for an individual to have
8 enough time to work a legitimate full-time job.

9
10 50. I know from prior and recent investigations, that managers of marijuana grow operations
11 make substantial profits from their marijuana grows. In one recent prosecution, a manager of a large
12 marijuana grow operation operated "fictitious" businesses that were designed and set up to launder his
13 substantial drug proceeds. These businesses were set up in order to legitimize drug proceeds and allow
14 the marijuana grower purchase property on obtain loans. In another prosecution, a manager of a large
15 marijuana grow operation placed his multiple properties in the names of "fictitious" businesses to
16 conceal his assets from the marijuana grows.

17
18 51. A search of Fictitious Business Name filings with the San Diego County Clerks office
19 revealed that Michael Druker registered the factitious business name Ultra Oil for Pets in January 2002.
20 The registration expired in January 2007. Ultra Oil for Pets was a business that was utilized by Damien
21 Andrews to obtain fraudulent bank loans. Damien Andrews plead guilty to manufacturing marijuana
22 plants and money laundering in federal court. In an attempt to legitimize his drug proceeds from
23 marijuana cultivation, Andrews listed his employer as Ultra Oil for Pets on numerous residential loan
24 applications and stated that he made in excess of \$100,000 and listed Michael Druker as his supervisor,
25 in some instances. The evidence showed that Druker was contacted by the lending institutions and
26 Druker would verify information listed on the loan application. During the course of that investigation

1 it was determined through bank records that Ultra Oil for Pets made a negligible amount of money
2 (under \$6,000 total for calendar year 2006). In fact, Andrews utilized the Ultra Oil for Pets business
3 bank account as a personal account. Ultra Oil for Pets was a company that was utilized by Damien
4 Andrews to legitimize his narcotics proceeds to lending institutions.

5 52. A review of the website www.pacificacanecorso.com appears that Michael Druker is
6 operating a dog breeding company, his website says. "In 2002/2003 I launched Ultra Oil for Pets..."
7 Druker later claims that he became a dog breeder though his involvement in Ultra Oil for Pets. Druker
8 states that his business is in Bonsall, CA. A search of the San Diego Assessor's office Fictitious
9 Business names did not reveal a registration for the name Pacifica Cane Corso. A search of the
10 California Secretary of State's corporation and partnership filings also did not reveal any businesses
11 listed under the name Pacifica Cane Corso. The phone number 760-613-5376 that is listed on the
12 website is subscribed to by Michael Druker. I believe that the "Bonsall" location is the **3220 Gopher**
13 **Canyon Road**, Vista, California. Vista and Bonsall are located adjacent to each other.
14

15 53. A search of Fictitious Business Name filings with the San Diego County Clerks office
16 revealed that Bela Bartanyi registered the factitious business name Bela Bartanyi Home and Land
17 Maintenance in March 2004 and has not expired. Bartanyi list the location and mailing address of Bela
18 Bartanyi Home and Land Maintenance as **10241 Eagle Rock Avenue**, San Diego, California 92126.
19 I have conducted surveillance of Bartanyi on several occasions and have never seen Bartanyi perform
20 and home or land maintenance.

21 54. I believe that Druker and Bartanyi established fictitious businesses in an attempt to
22 conceal their true business activity which is growing and selling marijuana. It is my experience that
23 drug traffickers establish a business in order to appear that they are not unemployed, yet accumulating
24 wealth and assets.

25 **TRAINING AND EXPERIENCE**

26 55. Based on my training and experience, I know that persons who are involved in the
27 cultivation of marijuana become involved in the process over an extended period of time because the
28 indoor cultivation and distribution of marijuana is an ongoing process.

1
2 56. I know through my training and experience that indoor marijuana cultivation primarily
3 requires the use of hydroponics equipment such as lava rock in lieu of traditional soil methods. The
4 term hydroponics refers to the cultivation of plants by placing the roots in liquid nutrient solutions rather
5 than soil. To conduct this type of cultivation, the following equipment is required; rockwool also known
6 as GroDan (a fibrous material used as a growing medium and substituted for soil; high intensity lights,
7 nutrients, fertilizers; various types of fans, tables, and trays that are specifically designed to facilitate
8 the irrigation of plants; CO₂ enrichment systems; electrical timers, and other items that allow for
optimum growing conditions.

9 57. I am also aware that indoor cultivators generally utilize a technique known as "cloning"
10 to produce additional plants from clippings from a "mother plant." These clippings are genetically
11 identical to the mother plants. This allows the cultivator to take cuttings from a female plant and ensure
12 the cuttings will develop identical female plants. This type of cultivation produces a seedless marijuana
13 plant known as "Sinsemilla," which has a very high street value and worthy of this expensive
14 investment. In addition, this allows for what is normally an annual plant to be grown year round (three
15 to four crops a year indoors). The cloning process allows for the cultivator to operate on an ongoing
16 basis, capable of producing very high quality marijuana throughout the year. This is further made
17 possible by the utilization of indoor lighting, which, by adjusting the light cycle, allows the cultivator
to extend the growing cycle of "mother plants" indefinitely.

18 58. The most common method of growing marijuana indoors is by utilizing hydroponics
19 which refers to the growing of plants in nutrient solution with or without an inert medium, to provide
20 mechanical support. This growing medium is often referred to as Grodan or rockwool and is
21 commercially available. Cultivators will take small cuttings (known as clones) from large female
22 marijuana plants and place them into small cubes or rockwool. These clones will be placed in various
23 specially made tables or trays where water, containing all of the vital nutrients that soil normally
24 contains, will saturate the clones. The water is stored in a reservoir and pumped into the trays
containing the plants and automatically drains back into the reservoir.

25 59. The clones are then placed under high intensity lights ranging from 150 to 400 watts.
26 The lights are generally placed on a timer for 18 hours in a 24-hour period to allow for the plants to
27 acquire a vegetable growth. In approximately 7-10 days the clones will begin to form roots. As the
28 plants continue to grow, a higher intensity light is required to obtain optimum light conditions.
Cultivators will use 400 watt and up to 1000 watt lights to provide the plants with enough light to grow

1

2 as if they were outside. These lights use large quantities of electricity. As an example, each 400 watt
3 light adds approximately \$25 and each 1000 watt light adds \$54 to monthly utility bills.

4 60. These lights are often mounted on a mechanical track which allows the lights to slowly
5 move across the plants providing an equal amount of light to all of the plants. Cultivators have been
6 known to mount a multitude of these lights into an enclosed room. This creates tremendous amounts
7 of heat. In some cases, additional equipment is required such as oscillating fans to cool the room and
8 to exercise the plants. CO₂ (carbon dioxide) systems are installed to create optimum air conditions for
9 the plants. The CO₂ systems allow for optimum plant development and, when properly installed,
10 cultivators can achieve a significant productivity increase from their plants. Ultimately the cultivators
11 are striving to produce colas, the flowering tops of the marijuana plants where the tetrahydrocannabinol
(THC) is mostly concentrated.

12 61. In approximately 10 weeks the cultivator will program the lights to be on 12 hours a day,
13 allowing for 12 hours of darkness. The plants are once again tricked into sensing a seasonal change and
14 they will spend 70 percent of their energy into producing colas for the reproduction. Since the plants
15 are never being exposed to male plants, they will not be pollinated and will not produce seeds (hence
16 the term sinsemilla which means "without seeds." The flowering tops of the marijuana plants are known
17 to cultivator as "buds" and are extremely potent in their THC content. The cultivation of indoor
18 marijuana is a very unique process in that it allows for the cultivator to operate on an ongoing basis that
yields a very high quality product.

19 62. In my experience, documents and business records are frequently maintained by those
20 engaged in the "business" of manufacturing and selling controlled substances. Also, those so engaged
21 will frequently maintain writings, books, business ledgers, lists, notations, and other memoranda to
assist them in their criminal enterprises. These materials are created and maintained in much the same
23 way and for the same reasons as persons involved in legitimate business keep similar materials. These
24 documents and business records are frequently kept at the residence that they actually live in. This is
done to protect their discovery and seizure by law enforcement if the location being used to cultivate
25 marijuana is raided by law enforcement.

26 63. In addition, I believe that there will be evidence of money laundering related to the
27 proceeds of their drug trafficking activities (manufacturing of marijuana plants), in violation of Title 18,
28 United States Code, Section 1956. I know from prior and recent investigations that managers of
marijuana grow operations make substantial profits from their marijuana grows. In one recent

1
2 prosecution, where the manager operated two marijuana grow locations but resided at another location,
3 that manager admitted to making at least \$80,000 per month in proceeds from manufacturing marijuana
4 plants.

5 64. Internal Revenue Service Special Agent Jamie Harrison has informed me that he has
6 worked as a Special Agent for approximately 7 years. In this capacity, he has conducted numerous
7 financial investigations involving indoor marijuana cultivation, money laundering, bank fraud, and tax
8 evasion. Based on his experience and training, Agent Harrison stated that small businesses, such as those
9 purportedly owned by Druker and Bartanyi, would maintain a number of books and records in order to
10 conduct their business activity and track their finances. Here, Druker and Bartanyi businesses are
11 purportedly based out their residences, I believe records if any of these businesses would be located at
12 **3220 Gopher Canyon Road** (the primary residence of Drucker) and **10241 Eagle Rock Avenue**
(primary residence of Bartanyi).

13 65. According to Agent Harrison, these books and records would normally include: income
14 tax returns (including Forms 1120, 1120S, 1065, 1040, 940, 941, DE-3); income tax information
15 documents (including Forms 1099, W-2, W-4, K-1), supporting work papers, summary sheets and
16 analyses; documents relating to any corporate audits; corporate journals (including general journals,
17 cash receipts journals, cash disbursement journals, sales journals, purchase journals and payroll
journals); general and subsidiary ledgers (including payroll, accounts receivable, accounts payable,
18 purchases); chart of accounts, adjusting and closing entries, year end trial balances, corporate minutes,
19 bylaws and Articles of Incorporation; employee lists and employee contracts; documents showing the
20 receipt or disbursements of cash (including records of royalties, credit card statements and receipts,
21 invoices, records of commercial storage, cash reconciliation's, and records regarding any purchase or
22 sale of assets); loan documents to or from shareholders and related entities with payment history; other
23 loan documents; inventory records; financial statements; contracts (including contract bids and
24 proposals); mortgage records or other documentation supporting conveyances and/or ownership of
property; documents and records relating to other corporations, limited liability companies, partnerships
25 and other entities which have related ownership.
26

27 67. IRS Special Agent Jamie Harrison stated that Ultra Oil for Pets, Pacifica Cane Corso,
and Bela Bartanyi Homae and Land Maintenance, would also normally maintain records related to their
28 banking activity (including bank statements, check registers, passbooks, deposit and withdrawal slips,
cancelled checks, certificates of deposit, notes, account applications, negotiable instruments, safety

deposit box records and keys, money drafts, letters of credit, money orders, cashiers' checks and receipts for same, bank checks, wire transfers and bank reconciliations). I believe that any of these items will be found at **3220 Gopher Canyon Road and 10241 Eagle Rock Avenue.**

68. Based upon conversations with IRS Special Agent Jamie Harrison, and my training and experience, I am aware that owners, managers and operators of businesses keep records at their offices. Here, I believe that they would be found at **3220 Gopher Canyon Road** and **10241 Eagle Rock Avenue** for Druker and Bartanyi, respectively because the GSP tracker (Druker) and physical surveillance (Bartanyi) their vehicles do not travel to an office on a regular basis. These records include various Accounting Journals (e.g., Sales, Purchase, Sales Returns and Allowance, Adjusting Journals) and Business Ledgers (e.g., General, Accounts Payable, Accounts Receivable, Payroll and Subsidiary Ledgers). In addition, I know that businesses also frequently maintain a variety of records to manage their payroll, inventory and tax situation. Similarly, they must also maintain various financial records such as contracts, bank statements, cancelled checks, invoices and sales receipts in order to conduct their normal business activities.

BASIS FOR EVIDENCE SOUGHT IN SEARCH WARRANT

69. Based upon my experience and training, consultation with other law enforcement officers experienced in drug and financial investigations; and all the facts and opinions set forth in this affidavit, I know that:

a. Individuals involved in growing/dealing marijuana will often maintain at their residence and other buildings and/or vehicles on their residential property, laboratory equipment, chemicals used to manufacture controlled substances, quantities of controlled substances, as well as paraphernalia for packaging, weighing, cutting, testing, distributing, and identifying controlled substances.

b. Individuals involved in drug dealing and drug manufacturing often maintain at their residence, and other buildings and/or vehicles on their property, records and ledgers evidencing their trafficking activities in order to keep track of the manufacturing, ordering, purchasing, storage, distribution and transportation of chemical, laboratory equipment and/or drugs. At times, the drugs may be sold, but documentary records and ledgers often remain for long periods of time to memorialize past transactions, the status of accounts receivable and accounts payable, and the names and telephone numbers of suppliers, customers and co-conspirators. These records are often maintained not only on paper, but also as computer data in the form of computer hardware and software.

1
2 c. Individuals involved in drug dealing and drug manufacturing must often rely on
3 others to obtain the drugs and to help them market the drug and evidence of the identities of these
4 criminal associates is often maintained at their residence, and other buildings and/or vehicles on their
5 residential property.

6 d. Based on prior searches of premises used by individuals involved in drug dealing
7 and drug manufacturing, I believe I will find articles of personal property evidencing the identity of
8 persons occupying, possessing, residing in, owning, frequenting or controlling the premises or property
therein.

9 e. Individuals involved in drug dealing and drug manufacturing will often conceal
10 evidence of their drug dealing in vehicles outside their residence in order to prevent detection and
11 seizure by officers conducting scan warrants at the residence. Therefore, I am requesting permission
12 to scan any vehicle parked at or near the above-described location provided it can be connected to an
13 occupant of the premises by way of admissions, keys, photographs, Department of Motor Vehicles
14 documents, insurance papers, or repair receipts.

15 f. Individuals involved in drug dealing and drug manufacturing, earn sums of money
16 and often try to legitimize these profits. In order to do this they attempt to secret, transfer and conceal
17 the money by, among other ways: (1) placing assets in names other than their own to avoid detection
18 while maintaining control; (2) laundering the money through what appears to be a legitimate business
19 or businesses; (3) hiding money in their homes, business locations, safes and safety deposit boxes; or
20 (4) using the money to buy assets which are hard to trace. Records of these transactions are often found
at their residence, and other buildings and/or vehicles on their residential property.

21 g. Individuals involved in drug dealing or drug manufacturing will often maintain
22 weapons, firearms and ammunition on their person or at their residence and cars in order to protect
23 themselves and guard their drugs and drug profits, and for enforcement purposes during their drug
24 dealings. These weapons and firearms are used and can be used as an instrumentality of the crime of
25 possession and distribution of drugs. Therefore, I am requesting permission to seize weapons, firearms
26 and ammunition that may be found at the above-described target location.

27 70. It is also my opinion and belief that the above-described documents are currently
28 possessed by drug dealers/manufacturers much the same way a legitimate business will maintain records
and tools of its trade whether or not the business has a particular item in inventory on a given date.
These documents are kept by drug dealers/manufacturers whether or not the dealer/manufacturer is in

1
2 possession of any drugs/chemicals at any given moment. I believe that the seizure of such documents
3 will provide evidence of the events set forth in this affidavit and that such documents can be found at
4 the target location despite any lapse of the time between the events described and the anticipated scan
5 pursuant to this warrant.

6 71. Based upon the foregoing facts, the affiant has reason to believe that the items identified
7 in Attachment B are located at: (1) **1621 Montgomery Drive**, Vista, California; (2) **3220 Gopher**
8 **Canyon Road**, Vista, California; (3) **10241 Eagle Rock Avenue**, San Diego, California; (4) **8539**
Aquarius Drive, San Diego, California.

10 72. Because this is an ongoing investigation, I request that the affidavit remain sealed under
further order of the Court.

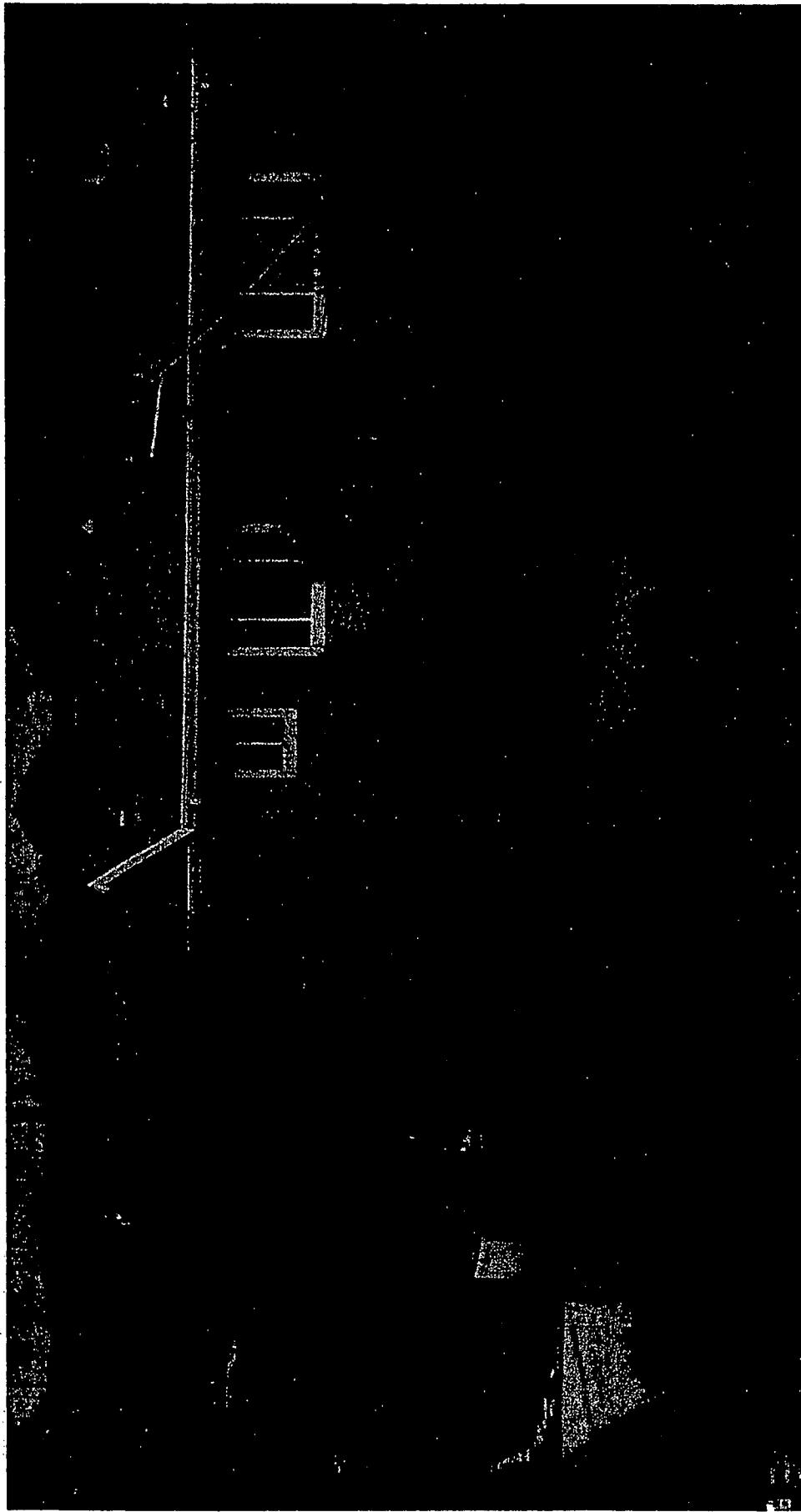
John Gieson, Special Agent
Drug Enforcement Administration

Subscribed and sworn to before me this 21st day of November, 2007.

UNITED STATES MAGISTRATE JUDGE

Attachment A

The residence located at 1621 Montgomery Drive, Vista, is further described as a single-story, single-family residence having gray colored stucco siding with white colored wood trim and having the numbers "1621" on a black mailbox at the end of the driveway on Montgomery Drive



ATTACHMENT B

1. Documents relating to or memorializing the cultivation and distribution of marijuana, including U.S Currency, buyer lists, seller lists, pay-owe sheets, records of sales, log books, drug ledgers, ~~computers and computer equipment~~, ~~computer software~~, personal telephone/address books, including electronic organizers, rolodexes, telephone answering pads, bank and financial records, and storage records, such as storage locker receipts and safety deposit box rental records.
2. Articles of personal property relating to the existence of a scheme to cultivate and distribute marijuana, including personal telephone/address books, including electronic organizers, telephone bills, photographs, and papers and documents containing lists of names and/or numbers of individuals involved in the possession and sale of marijuana.
3. Documents and articles of property relating to the identity of persons occupying, possessing, residing in, owning, frequenting or controlling the premises to be searched or property therein, including keys, door locks, rental agreements and records, property acquisition records, utility and telephone beepers or paging devices, rolodexes, telephone answering pads, storage records, vehicle and/or vessel records, canceled mail envelopes, correspondence, financial documents such as tax returns, bank records, safety deposit records, canceled checks, and other records of income and expenditure, credit card and bank records, travel documents, personal identification documents, and documents relating to obtaining false identification, including birth certificates, drivers license, immigration cards and other forms of identification in which the same person would use other names and identities other than his or her own.
4. Equipment used to cultivate marijuana, marijuana plants, processed marijuana, as well as paraphernalia for packaging, weighing, cutting, testing, distributing and identifying controlled substances.
5. Weapons and/or firearms.
6. Documents and records including income tax returns (including Forms 1120, 1120S, 1065, 1040, 940, 941, DE-3); income tax information documents (including Forms 1099, W-2, W-4, K-1), supporting work papers, summary sheets and analyses; documents relating to any corporate audits; corporate journals (including general journals, cash receipts journals, cash disbursement journals, sales journals, purchase journals and payroll journals); general and subsidiary ledgers (including payroll, accounts receivable, accounts payable, purchases); chart of accounts, adjusting and closing entries, year end trial balances, corporate minutes, bylaws and Articles of Incorporation; employee lists and employee

- contracts; documents showing the receipt or disbursements of cash (including records of royalties, credit card statements and receipts, invoices, records of commercial storage, cash reconciliation's, and records regarding any purchase or sale of assets); loan documents to or from shareholders and related entities with payment history; other loan documents; inventory records; financial statements; contracts (including contract bids and proposals); mortgage records or other documentation supporting conveyances and/or ownership of property; documents and records relating to other corporations, limited liability companies, partnerships and other entities which have related ownership.
7. Records related to their banking activity (including bank statements, check registers, passbooks, deposit and withdrawal slips, cancelled checks, certificates of deposit, notes, account applications, negotiable instruments, safety deposit box records and keys, money drafts, letters of credit, money orders, cashiers' checks and receipts for same, bank checks, wire transfers and bank reconciliations).
 8. Records include various Accounting Journals (e.g., Sales, Purchase, Sales Returns and Allowance, Adjusting Journals) and Business Ledgers (e.g., General, Accounts Payable, Accounts Receivable, Payroll and Subsidiary Ledgers). In addition, I know that businesses also frequently maintain a variety of records to manage their payroll, inventory and tax situation. Similarly, they must also maintain various financial records such as contracts, bank statements, cancelled checks, invoices and sales receipts in order to conduct their normal business activities.
 9. Records also include audio recordings, video recordings, telephone answering machine recording, memoranda, correspondence, diaries, notes, address books, day planners, calendars, appointment books, newspaper clippings, articles, books, financial institution records, checks, cashiers' checks, money orders, wire transfer records, deposit slips, ATM receipts, certificates of deposit, safety deposit slips, withdrawal slips, monthly and quarterly statements, stock certificates, bonds, bearer instruments, notes, money market account statements, negotiable orders of withdrawal, account documents, letters of credit, passbooks, drafts, title documents, mortgage and loan documents, property records, storage agreements and bills, storage locker keys, vehicle registration and ownership documents, asset ownership records, journals, ledgers, code sheets, financials, budgets, proposals, plans, contracts, agreements, bills of sale, delivery records, invoices, receipts, documentation of conveyances, deeds, and credit card bills and other papers. These records may be in many forms such as paper, electronic, or in code. I know from my experience that businesses use such software as Quickbooks and Microsoft Money to manage their finances and track their investments.
 10. All INFORMATION TO BE SERVED OF EVIDENCE ~~IS~~
 VIOLATIONS OF TITLE 21 USC 841(a)(1), 846(a)(1)
 MANUFACTURING OF A CONTROLLED SUBSTANCE TO WIT
 MARIJUANA AND MARIJUANA PLANTS AND TITLE 18 USC
 1956 MONEY LAUNDERING.

⑥ JTA

ATTACHMENT C
SDPD PO Kevin Means

Training and Experience On Thermal Imaging

1. 26 years with the San Diego Police Department.
2. SDPD Narcotics Investigator for 2 ½ years
3. 18 years as a pilot and Tactical Flight Officer with the San Diego Police Air Support Unit.
4. Infrared (FLIR) operator for 16 years.
5. 1993 – Attended DEA/DOJ Thermal Imaging school – Certified Thermographer.
6. 1994 – Attended the Law Enforcement Thermographers Association (LETA) thermal imaging school.
7. Was certified by LETA as thermal imaging instructor.
8. Authored the POST Certified thermal imaging course entitled “Airborne Infrared – Tactics and Operations.”
9. Primary instructor for the Airborne Law Enforcement Association (ALEA) Airborne Thermal Imaging class since 1996
10. Primary instructor for the ALEA Thermal Imaging Instructor course.
11. Taught airborne imaging to hundred of students throughout the United States including; U.S. Customs, U.S. Border Patrol, DEA and dozens of municipal law enforcement agencies. Was retained to brief the government of the Dutch Antilles on the abilities of airborne thermal imagers.
12. Thermal Imaging instructor for DOJ's Southwest Regionl for law enforcement technology.
13. Instructor for the legal portion of the California Highway Patrol (CHP) Post Aircrew Course on thermal imaging.
14. Toured the FLIR Systems, Inc. (FSI) factory 4 times in past 10 years.

15. Consulted with FSI and Wescam on the design of airborne thermal imaging systems.
16. Designed and patented an infrared/searchlight slaving system.
17. Authored articles in various law enforcement publications (Law Enforcement Quarterly, AirBeat, etc.) on the abilities and inabilities of thermal imaging.
18. Have performed dozens of thermal scans on suspected indoor grows for agencies throughout San Diego County.